

Tennessee first received service, and a copy of Plaintiff's Original Petition, August 17, 2020. *See* Ex. B, p.2.

3. Similarly, the green card returned to the court clerk following service by certified mail on Alabama does not reflect the date of delivery. *See* Ex. A State Ct. R. p. 44. On information and belief Alabama first received service, and a copy of Plaintiff's Original Petition, August 17, 2020. *See* Ex. B, p. 1.

4. Defendant Johnny Fox has not been served as of the filing of this removal.

5. Defendants, Tennessee and Alabama's, removal is timely, as it is filed within thirty days of August 17, 2020, as required by 27 U.S.C. § 1446(b). 28 U.S.C. § 1446(b) (2011).

REMOVAL IS PROPER BASED ON DIVERSITY JURISDICTION

A. Total Diversity Exists Between the Parties.

6. Subject matter jurisdiction exists pursuant to section 1332, Title 28 of the United States Code, diversity jurisdiction.

7. Pursuant to section 1332, the district courts have original jurisdiction over all civil actions arising between citizens of different States where the matter in controversy exceeds the sum or value of \$75,000.00, exclusive of interest and costs. *Stiftung v. Plains Mktg., L.P.*, 603 F.3d 295, 297 (5th Cir. 2010).

8. Diversity must exist at the time a lawsuit is commenced. *Coury v. Prot*, 85 F.3d 244, 248-49 (5th Cir. 1996).

9. A corporation is considered a citizen of (1) every U.S. State and foreign state where it is incorporated, and (2) the U.S. State or foreign state where it has its principal place of business as per 28 U.S.C. § 1332(c)(1) (2011).

10. Plaintiffs allege they are residents of Dumas, Moore County, Texas.

11. Defendants Tennessee and Alabama are foreign corporations. Tennessee Steel Haulers, Inc.'s principal place of business is in Nashville, Tennessee. Alabama Carriers, Inc.'s principal place of business is in Birmingham, Alabama.

12. Upon information and belief, Defendant Johnny Fox has not been properly served as of the date of this Notice of Removal. Accordingly, consent to removal by this Defendant is not required under 28 U.S.C. § 1446(b)(2)(A). Additionally, Plaintiffs allege in paragraph eight of their Original Petition, Defendant Johnny Fox is a nonresident of Texas who may be served in Alabama. Total diversity exists between the parties

B. The Amount in Controversy Requirement is Satisfied

13. The amount in controversy exceeds \$75,000.00 as required by section 1332(a). 28 U.S.C. § 1332(a) (2011).

14. Plaintiffs' claims arise from a motor vehicle accident which occurred September 25, 2018 in Dumas, Moore County, Texas. Plaintiff pleads for damages of more than \$200,000 and less than \$1,000,000.00. *See* Ex. A., State Ct. R. p. 8. The Court therefore has subject matter jurisdiction over this case.

PROPER VENUE AND COMPLIANCE WITH REMOVAL PROCEDURE

15. Pursuant to section 1441(a), venue of the removed action is proper in this Court as it is the district which embraces the place where the State action is pending. 28 U.S.C. 1441(a) (2011).

16. Defendants Alabama and Tennessee will give adverse parties written notice of the filing of this Notice of Removal as required by section 1446(d). Defendants will also promptly file a copy of this Notice of Removal with the District Clerk of Moore County, Texas.

17. True and correct copies of all process, pleadings, and any Orders served in the State court action are being filed with this Notice of Removal, as required by section 1446(a). *See* Ex. A, State Court. R.

Accordingly, defendants Alabama Carriers, Inc. and Tennessee Steel Haulers, Inc., pursuant to and in conformity with the requirements set forth in 28 U.S.C. § 1446, respectfully remove Cause No. 20-58 from the 69th District Court of Moore County, Texas to the United States District Court for the Northern District of Texas, Amarillo Division.

Respectfully submitted,

RINEY & MAYFIELD LLP
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mmayfield@rineymayfield.com
Alex L. Yarbrough – TBN 24079615
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320 South Polk Street, Suite 600
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(806) 468-3200; (806) 376-4509 Fax

/s/ Mitzi S. Mayfield

By _____
Mitzi S. Mayfield

And

RINCON LAW GROUP, P.C.
1014 N. Mesa, Suite 200
El Paso, Texas 79902
(915) 532-6800 (Telephone)
(915) 532-6808 (Facsimile)

/s/ Carlos Rincon

By: _____
CARLOS RINCON
Texas State Bar No. 16932700
CRincon@RinconLawGroup.com

*Attorneys for Defendants Tennessee Steel
Haulers, Inc. and Alabama Carriers, Inc.*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served on the parties through their counsel of record, as follows, on this 16th day of September 2020.

Chris Hoffman
JE Sauseda
Hoffman, Sheffield, Sauseda &
Hoffman, PLLC
1008 S. Madison
Amarillo, Texas 79101
(806) 376-8903 (Telephone)
(806) 376-5345 (Facsimile)
Attorneys for Plaintiffs

- ☒ *Via Electronic Service*
- ☐ *Via Facsimile Transmission*
- ☐ *Via E-Mail*
- ☐ *Via Certified Mail, RRR*
- ☐ *Via USPS First Class*
- ☐ *Via Hand Delivery*
- ☐ *Via Commercial Delivery Service*

/s/ Mitzi S. Mayfield

Mitzi S. Mayfield

EXHIBIT A

CAUSE NO. 20-58

JURY TRIAL DEMANDED

| | | |
|---|---|-----------------------------------|
| PERLA CABALLERO – SANCHEZ, Individually and as Next Friend to RAFAEL CORRAL, A Minor, | § | IN THE <u>69TH</u> DISTRICT COURT |
| | § | |
| | § | |
| Plaintiffs, | § | |
| | § | IN AND FOR |
| VS. | § | |
| | § | |
| TENNESSEE STEEL HAULERS, INC., | § | |
| ALABAMA CARRIERS, INC., and | § | |
| JOHNNY M. FOX, | § | |
| | § | MOORE COUNTY, TEXAS |
| Defendants. | | |

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Perla Caballero-Sanchez, individually and as Next Friend to Rafael Corral, A Minor (hereinafter referred to as "Plaintiffs") complaining of Tennessee Steel Haulers, Inc., Alabama Carriers, Inc., and Johnny Fox (hereinafter referred to as "Defendants") and for cause of action would show:

I. DISCOVERY PLAN

1. Pursuant to TEX. R. CIV. P. 190.1, Plaintiff intends for discovery to be conducted under level 3 and in accordance with the TEX. R. CIV. P. 190.4 Discovery Control Plan.

II. PARTIES

2. Plaintiff, Perla Caballero-Sanchez, is an individual who resides in Dumas, Moore County, Texas. For identification purposes the last three digits of her driver's license are 574 and the last three digits of her social security number are 259.

3. Plaintiff, Rafael Corral, is a minor who resides in Dumas, Texas. For identification purposes his date of birth is 07/25/1980.

4. Defendant, Tennessee Steel Haulers, Inc., is a domestic corporation duly licensed to do business in the state of Texas and may be served with process by serving its registered agent, CT Corporation System, 800 S. Gay Street, Suite 2021, Knoxville, Tennessee, 37929-9710.

5. Plaintiffs specifically invoke the right to institute this suit against whatever entity was conducting business using the assumed or common name of Tennessee Steel Haulers, Inc. with regard to the events described in this petition. Plaintiffs expressly invoke this right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of the party substituted at a later time upon the motion of any party or the Court.

6. Defendant, Alabama Carriers, Inc. is a domestic corporation duly licensed to do business in the state of Texas and may be served with process by serving its registered agent, CT Corporation System, 800 S. Gay Street, Suite 2021, Knoxville, Tennessee, 37929-9710.

7. Plaintiffs specifically invoke the right to institute this suit against whatever entity was conducting business using the assumed or common name of Tennessee Steel Haulers, Inc. with regard to the events described in this petition. Plaintiffs expressly invoke this right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of the party substituted at a later time upon the motion of any party or the Court.

8. Defendant, Johnny M. Fox is an individual, nonresident of Texas whose usual abode is located at Deatsville, Elmore County, Alabama and who may be served with citation at his place of residence, 118 County Road 100, Deatsville, Alabama,

36022-2739, or wherever he may be found.

III. MINSOMER/ALTER EGO

9. In the event any parties are misnamed or are not included herein, it is Plaintiffs contention that such was a “misidentification”, “misnomer” and/or such parties are/were “alter egos” of parties named herein. Alternatively, Plaintiffs contend that such “corporate veils” should be pierced to hold such parties properly included in the interest of justice.

IV. JURISDICTION

10. The court has jurisdiction over Defendants, Tennessee Steels Haulers, Inc., and Alabama Carriers, Inc., because defendants do business in Texas, have committed a tort, in whole or in part, in Texas, have continuing contacts with Texas, and are amenable to service by a Texas court.

11. The court has jurisdiction over Defendant, Johnny Fox, a nonresident, because Defendant was involved in a collision while operating a motor vehicle in Texas, as more fully described below.

12. The court has jurisdiction over the controversy because the amount for which Plaintiff herein sues is within the jurisdictional limits of the court.

V. VENUE

13. Venue of this action is proper in Moore County, Texas, where the incident made the basis of this lawsuit occurred. CIV. PRAC. & REM. CODE §15.002(a)(1).

VI. FACTS

14. This is an action for money damages arising from an automobile collision between Plaintiffs and Defendants occurring on or about September 25, 2018, in which

Plaintiffs suffered injuries and damages as more fully described below. More specifically, Plaintiffs would show that at approximately 8:00 a.m. Plaintiff, Perla Caballero-Sanchez, was operating her vehicle and heading westbound on E. 5th Street in Dumas, Moore County, Texas. Defendant, Johnny Fox, was traveling southbound on S. Maddox Avenue. At the intersection of E 5th Street and S. Maddox Avenue, Defendant Fox disregarded a stop signal and collided with Plaintiff's vehicle. Defendant's negligence caused Plaintiffs' injuries and damages made the subject of this suit.

VI. NEGLIGENCE AND NEGLIGENCE PER SE

A. Johnny Fox

15. Plaintiffs would show that the collision described above, and their resulting injuries and damages were the direct and proximate result of Defendant's negligence. Specifically, Plaintiffs would show that Defendant, Johnny Fox, was negligent and negligent per se in one or more of the following respects, to wit:

- a) Violation Texas Transportation Code § 545.151 by failing to stop, yield, and grant immediate use of the intersection in obedience to an official traffic-control device or sign. And proceeding when the intersection can be safely entered without interference or collision with traffic using a different street or roadway;
- b) Violation Texas Transportation Code § 545.153 by failing to yield right-of-way to a vehicle that has entered the intersection from another highway or that is approaching so closely as to be an immediate hazard to the operator's movement in or across the intersection;

- c) By failing to use due care;
- d) By failing to pay proper attention to the roadway;
- e) In failing to keep a proper look-out; and
- f) In failing to take evasive action necessary to avoid the collision.

16. Each of the foregoing acts and omissions, whether taken singularly or in any combination, was a proximate cause of the collision made the basis of this suit and Plaintiffs' resulting injuries and damages.

B. Alabama Carriers, Inc.

17. At all times relevant to this matter, Defendant Johnny Fox was in the course and scope of his employment with Defendant Alabama Carriers, Inc. Therefore, Plaintiffs would show that Defendant Alabama Carriers, Inc. was negligent and negligent per se in one or more of the following respects, to wit:

- a) Negligently entrusting one of its vehicles to an incompetent driver;
- b) By failing to properly train individuals who had access to its vehicles;
- c) By failing to provide and/or enforce driving safety policies to individuals to whom it entrusted its vehicles; and
- d) By failing to exercise reasonable supervision of drivers to whom it entrusted its vehicles.

18. The negligence of Defendant Johnny Fox is attributable to Defendant Alabama Carriers, Inc. as the agent and employer of the driver. Plaintiffs specifically invoke the doctrine of *respondeat superior* with respect to the acts and/or omissions of Defendant Johnny Fox, which were performed within the course and scope of his duties with Defendant Alabama Carriers, Inc.

B. Tennessee Steel Haulers, Inc.

19. Defendant Tennessee Steel Haulers, Inc. is the parent company of Alabama Carriers, Inc. (the owner of the load being hauled by Defendant Johnny Fox and Mr. Fox's employer at the time of the accident made the basis of this suit). Therefore, Plaintiff would show that Defendant Tennessee Steel Haulers, Inc. was negligent and negligent per se in one or more of the following respects, to wit:

- a) Negligently entrusting one of its vehicles to an incompetent driver;
- b) By failing to properly train individuals who had access to its vehicles;
- c) By failing to provide and/or enforce driving safety policies to individuals to whom it entrusted its vehicles; and
- d) By failing to exercise reasonable supervision of drivers to whom it entrusted its vehicles.

20. The negligence of Defendant Johnny Fox is attributable to Defendant Tennessee Steel Haulers, Inc. as the agent and employer of the driver. Plaintiffs specifically invoke the doctrine of *respondeat superior* with respect to the acts and/or omissions of Defendant Johnny Fox, which were performed within the course and scope of his duties with Defendant Tennessee Steel Haulers, Inc.

VII. DAMAGES

A. Perla Caballero-Sanchez

21. As a direct and proximate result of Defendant's negligence, Plaintiff, Perla Caballero-Sanchez, suffered serious physical injuries at minimum to her head, neck, back, bilateral arms and hands.

Plaintiff sues Defendant for the following damages:

- a) physical pain and mental anguish in the past and future;
- b) physical impairment in the past and, in reasonable probability, will be sustained in the future;
- c) disfigurement sustained in the past and, in reasonable probability, will be sustained in the future;
- d) loss of earning capacity in the past and, in reasonable probability, will be sustained in the future; and
- e) reasonable and necessary medical expenses incurred in the past and in the future for the treatment of her injuries.

B. Rafael Corral

22. As a direct and proximate result of Defendant's negligence, Plaintiff, Rafael Corral, suffered serious physical injuries at minimum to his head, neck, back, bilateral shoulders, abdomen, hip, right knee, and bilateral feet. Perla Caballero-Sanchez, as Next Friend to Rafael Corral sues Defendants for the following damages:

- a) physical pain and mental anguish in the past and future;
- b) physical impairment in the past and future;
- c) loss of earning capacity in the past and future; and
- d) Reasonable and necessary medical expenses in the future for treatment of Rafael Corral's injuries.

23. Plaintiff, Perla Caballero-Sanchez, Individually, sues Defendants for the following damages:

- a) Reasonable and necessary medical expenses incurred by her in the past

for the treatment of Rafael Corral's injuries, and in the future for the treatment of Rafael Corral's injuries until he reaches the age of eighteen.

VIII. RULE 47 CLAIM FOR RELIEF

24. In accordance Rule 47(c) of the Texas Rules of Civil Procedure, Plaintiff, Perla Caballero-Sanchez states that she seeks only monetary relief of more than \$200,000.00 and less than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.

IX. JURY DEMAND

25. Plaintiffs hereby demand a trial by jury.

X. PRAYER

25. WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer herein and that upon final jury hearing hereof they have:

- a) Jury verdict against the Defendants for the full amount of Plaintiffs' damages, and thereafter judgment on the jury verdict;
- b) Pre-judgment and post-judgment interest as provided by law;
- c) Costs of suit; and
- d) Such other and further relief, special or general, at law or in equity, to which Plaintiffs may show themselves justly entitled.

XI. DISCOVERY REQUESTS

26. Pursuant to TEX. R. OF CIV. P. 194, Plaintiffs request Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2. The statutory requests for disclosure to Defendants as enumerated by TEX.

R. OF CIV. P 194.2(a) through (l), inclusive, are hereby incorporated as if fully set forth herein.

Respectfully submitted,

HOFFMAN, SHEFFIELD, SAUSEDA & HOFFMAN, PLLC
1008 S. Madison
Amarillo, Texas 79101
Telephone: (806) 376-8903
Fax: (806) 376-5345

/s/ Chris Hoffman

Chris Hoffman
State Bar No. 24002299
choffman@hsshlaw.com

J. E. Sauseda
State Bar No. 17688200
jesauseda@hsshlaw.com

Attorneys for Plaintiffs

REQUEST FOR ISSUANCE

CAUSE NUMBER: 20-58

TYPE OF ISSUANCE: *E-FILING-YOU MUST ASSESS THE TYPE OF ISSUANCE, TYPE OF SERVICE, SERVICE FEES, AND COPY FEES ACCORDINGLY*

- ☒ CITATION
- ☐ PRECEPT
- ☐ TRO
- ☐ PROTECTIVE ORDER
- ☐ ABSTRACT OF JUDGMENT
- ☐ WRIT OF EXECUTION
- ☐ OTHER: _____

TYPE OF SERVICE:

- ☐ COUNTY SHERIFF *SERVICE FEE AND COPY FEE REQUIRED*
- ☐ CIVIL PROCESS SERVER-AUTHORIZED PERSON TO PICK-UP: _____
- ☐ POSTING *SERVICE FEE AND COPY FEE REQUIRED*
- ☐ PUBLICATION *SERVICE FEE REQUIRED*
- ☒ CERTIFIED MAIL *SERVICE FEE AND COPY FEE REQUIRED*
- ☐ TO BE MAILED TO PARTY REQUESTING SERVICE *SELF ADDRESSED STAMPED ENVELOPE AND/OR POSTAGE FEE REQUIRED*
- ☐ TO BE EMAILED TO PARTY REQUESTING SERVICES-**MUST INCLUDE EMAIL ADDRESS**

TITLE OF DOCUMENT: Plaintiffs' Original Petition

FOR EACH PARTY SERVED YOU MUST ASSESS THE APPROPRIATE NUMBER OF COPIES OF THE DOCUMENT TO BE SERVED * UNLESS CLERK IS TO EMAIL, THEN NO COPY FEE IS REQUIRED*

FILE MARKED DATE OF DOCUMENT TO BE SERVED: ____/____/____

PARTY TO BE SERVED: (PLEASE FILL OUT A NEW REQUEST FORM PER PARTY TO BE SERVED)

NAME: Tennessee Steel Haulers, Inc.

ADDRESS: 800 S. Gay Street, Suite 2021, Knoxville, TN 37929-9710

AGENT, IF APPLICABLE: CT Corporation System

PARTY/ATTORNEY REQUESTING SERVICE:

NAME: J. E. Sauseda, Hoffman Sheffield Sauseda & Hoffman, PLLC

MAILING ADDRESS: 1008 S. Madison, Amarillo, TX 79101

PHONE NUMBER: 806-376-8903 FAX NUMBER: 806-376-5345

EMAIL ADDRESS: jhaugen@hsshlaw.com

REQUEST FOR ISSUANCE

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NAME: Alabama Carriers, Inc.

ADDRESS: 800 S. Gay Street, Suite 2021, Knoxville, TN 37929-9710

AGENT, IF APPLICABLE: CT Corporation System

PARTY/ATTORNEY REQUESTING SERVICE:

NAME: J. E. Sauseda, Hoffman Sheffield Sauseda & Hoffman, PLLC

MAILING ADDRESS: 1008 S. Madison, Amarillo, TX 79101

PHONE NUMBER: 806-376-8903 FAX NUMBER: 806-376-5345

EMAIL ADDRESS: jhaugen@hsshlaw.com

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AGENT, IF APPLICABLE: _____

PARTY/ATTORNEY REQUESTING SERVICE:NAME: J. E. Sauseda, Hoffman Sheffield Sauseda & Hoffman, PLLCMAILING ADDRESS: 1008 S. Madison, Amarillo, TX 79101PHONE NUMBER: 806-376-8903 FAX NUMBER: 806-376-5345EMAIL ADDRESS: jhaugen@hsshlaw.com

REQUEST FOR ISSUANCE

CAUSE NUMBER: 20-58

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FILE MARKED DATE OF DOCUMENT TO BE SERVED: ____ / ____ / ____

PARTY TO BE SERVED: (PLEASE FILL OUT A NEW REQUEST FORM PER PARTY TO BE SERVED)

NAME: Tennessee Steel Haulers, Inc.

ADDRESS: 2607 Brick Church Pike, Nashville TN 37207-4409

AGENT, IF APPLICABLE: Attn: Ray Barbarite

PARTY/ATTORNEY REQUESTING SERVICE:

NAME: J. E. Sauseda, Hoffman Sheffield Sauseda & Hoffman, PLLC

MAILING ADDRESS: 1008 S. Madison, Amarillo, TX 79101

PHONE NUMBER: 806-376-8903 FAX NUMBER: 806-376-5345

EMAIL ADDRESS: jhaugen@hsshlaw.com

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NAME: Alabama Carriers, Inc.

ADDRESS: 2607 Brick Church Pike, Nashville TN 37207-4409

AGENT, IF APPLICABLE: Attn: Ray Barbarite

PARTY/ATTORNEY REQUESTING SERVICE:

NAME: J. E. Sauseda, Hoffman Sheffield Sauseda & Hoffman, PLLC

MAILING ADDRESS: 1008 S. Madison, Amarillo, TX 79101

PHONE NUMBER: 806-376-8903 FAX NUMBER: 806-376-5345

EMAIL ADDRESS: jhaugen@hsshlaw.com

MOORE COUNTY, TEXAS
BY: Mayra Rivero

IN AND FOR

V.

MOORE COUNTY, TEXAS

§

TO THE HONORABLE JUDGE OF SAID COURT

I. General Denial

II. Affirmative Defenses and Additional Defensive Matters

3. Based on Plaintiff Perla-Caballero Sanchez's comparative fault and negligence, Defendants are entitled to a reduction in damages under the proportionate responsibility statute as articulated in Texas Civil Practice and Remedies Code § 33.001 et seq.

4. In the event Plaintiffs settle with any party who may be responsible, in whole or in part, or choose not to bring claims against any responsible party, in whole or in part, for any of the alleged injuries and/or damages, Defendants are entitled to have such party designated as a settling and/or responsible party pursuant to Texas Civil Practice and Remedies Code Chapter 33.

5. In the event of a recovery of damages from Defendants, any award of pre- and/or post-judgment interest is limited by the provisions of the Texas Finance Code.

6. Defendants further allege, by way of affirmative defense and/or additional defensive matter that under Texas Civil Practice and Remedies Code Chapter 18.091, in addition to any other limitation under law, Plaintiffs' recovery for loss of earnings, loss of earning capacity, loss of contributions of a pecuniary value, or loss of inheritance, if any, are limited to the recovery of the net loss after reduction for income tax payments or unpaid tax liability pursuant to any federal income tax law.

7. In the event an award of damages is made to Plaintiffs for medical, health, or mental health care expenses, they are limited to recover only those amounts actually paid or incurred, pursuant to the Texas Civil Practice and Remedies Code. Tex. Civ. Prac. & Rem. Code § 41.0105.

III. Requests for Disclosure

8. Pursuant to Texas Rule of Civil Procedure 194, Plaintiffs are requested to disclose, within thirty days of service of this request, the information or material described in Rule 194.

IV. Right to Supplement and/or Amend

9. Pursuant to the Texas Rules of Civil Procedure, Defendants reserve the right to supplement and/or amend this pleading.

Defendants Tennessee Steel Haulers, Inc. and Alabama Carriers, Inc., respectfully request plaintiffs Perla Caballero-Sanchez, individually and as next friend of Rafael Corral, a minor, take

nothing by reason of the allegations contained in their Original Petition, and that Defendants be awarded any and all other relief to which they may be so justly entitled, at law or in equity.

Respectfully submitted,

RINCON LAW GROUP, P.C.
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El Paso, Texas 79902
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(915) 532-6808 (Facsimile)

By: /s/ Ancel Escobar
CARLOS RINCON
Texas State Bar No. 16932700
CRincon@ RinconLawGroup.com
ANCEL E. ESCOBAR
Texas State Bar No. 24101171
AEscobar@RinconLawGroup.com
*Attorneys for defendants Tennessee Steel
Haulers, Inc. and Alabama Carriers, Inc.*

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing document was served on the parties through their counsel of record, as follows, on this 8th day of September 2020.

Chris Hoffman
JE Sauseda
Hoffman, Sheffield, Sauseda &
Hoffman, PLLC
1008 S. Madison
Amarillo, Texas 79101
(806) 376-8903 (Telephone)
(806) 376-5345 (Facsimile)
Attorneys for Plaintiffs

- ☒ *Via Electronic Service*
- ☐ *Via Facsimile Transmission*
- ☒ *Via E-Mail*
- ☐ *Via Certified Mail, RRR*
- ☐ *Via USPS First Class*
- ☐ *Via Hand Delivery*
- ☐ *Via Commercial Delivery Service*

/s/ Ancel Escobar
ANCEL ESCOBAR

**THE STATE OF TEXAS
COUNTY OF MOORE**

CAUSE NO: 20-58

**CITATION TO SERVE NON-RESIDENT DEFENDANT
PLAINTIFF'S ORIGINAL PETITION**

**TO: TENNESSEE STEEL HAULERS INC, DEFENDANT
ATTN: RAY BARBARITE
2607 BRICK CHURCH PIKE
NASHVILLE, TN. 37207-4409**

In the hereinafter styled and numbered cause: 20-58

You are hereby commanded to appear before the 69TH DISTRICT COURT of Moore County to be held at the courthouse located at 715 S Dumas Ave in the City of Dumas, Moore County, Texas, by filing a written answer to the petition of PLAINTIFF – on or before 10:00 A.M. on the Monday next after the expiration of twenty (20) days after the date of service thereof at the office of the District Clerk at 715 S Dumas Ave-Room 109, Dumas, Texas 79029, a copy of which accompanies this citation, in cause number **20-58** styled:

**PERLA CABALLERO SANCHEZ, NEXT FRIEND TO
RAFAEL CORRAL, A MINOR**

-VS-

**TENNESSEE STEEL HAULERS INC
ALABAMA CARRIERS INC
JOHNNY M FOX**

Filed in said court on the 07/15/2020.

The name and address of the attorney of record for above PLAINTIFF, is CHRIS HOFFMAN, 1008 S. MADISON, AMARILLO, TEXAS 79101.

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a Default Judgment may be taken against you."

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT AT Dumas, Texas 79029, ON THIS THE 12th day of August, 2020.



**Diane Hoefling, District Clerk
Moore County
715 S Dumas Ave-Room 109
Dumas, Texas 79029**

By: Elvia Zapata
ELVIA ZAPATA, DEPUTY CLERK

OFFICER/AUTHORIZED PERSON RETURN

CAME to hand on the _____ day of _____, 20____.

EXECUTED by certified mail # 7012 3050 0000 4181 2440 to the within named TENNESSEE STEEL HAULERS INC, return receipt requested with restricted delivery, a true copy of this citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION, having first attached such copy of such PLAINTIFF'S ORIGINAL PETITION to such copy of citation, to the following address:

2607 BRICK CHURCH PIKE, NASHVILLE, TN. 37207-4409

Service upon the defendant is evidenced by the return receipt incorporated herein and attached hereto signed by _____ and dated _____.

NOT EXECUTED, for the following reason:

_____.

TO CERTIFY WHICH WITNESS MY OFFICIAL

SIGNATURE.

County, Texas

Deputy.

AUTHORIZED PERSON

By _____

**THE STATE OF TEXAS
COUNTY OF MOORE**

CAUSE NO: 20-58

**CITATION TO SERVE NON-RESIDENT DEFENDANT
PLAINTIFF'S ORIGINAL PETITION**

**TO: ALABAMA CARRIERS INC, DEFENDANT
ATTN: RAY BARBARITE
2607 BRICK CHURCH PIKE
NASHVILLE, TN. 37207-4409**

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**Diane Hoefling, District Clerk
Moore County
715 S Dumas Ave-Room 109
Dumas, Texas 79029**

By: *Elvia Zapata*
ELVIA ZAPATA, DEPUTY CLERK

EX-100 FILE COPY



OFFICER/AUTHORIZED PERSON RETURN

CAME to hand on the _____ day of _____, 20____.

EXECUTED by certified mail # 7012 3050 0000 4181 2433 to the within named ALABAMA CARRIERS INC, return receipt requested with restricted delivery, a true copy of this citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION, having first attached such copy of such PLAINTIFF'S ORIGINAL PETITION to such copy of citation, to the following address:

2607 BRICK CHURCH PIKE, NASHVILLE, TN. 37207-4409

Service upon the defendant is evidenced by the return receipt incorporated herein and attached hereto signed by _____ and dated _____.

NOT EXECUTED, for the following reason:

_____.

TO CERTIFY WHICH WITNESS MY OFFICIAL

SIGNATURE.

County, Texas

Deputy.

AUTHORIZED PERSON

By _____

**THE STATE OF TEXAS
COUNTY OF MOORE
CAUSE NO: 20-58
CITATION TO SERVE NON-RESIDENT DEFENDANT
PLAINTIFF'S ORIGINAL PETITION**

**TO: TENNESSEE STEEL HAULERS, INC., DEFENDANT
BY SERVING: CT CORPORATION SYSTEM, ITS REGISTERED AGENT
800 S. GAY STREET, SUITE 2021
KNOXVILLE, TN. 37929-9710**

In the hereinafter styled and numbered cause: 20-58

You are hereby commanded to appear before the 69TH DISTRICT COURT of Moore County to be held at the courthouse located at 715 S Dumas Ave in the City of Dumas, Moore County, Texas, by filing a written answer to the petition of PLAINTIFF – on or before 10:00 A.M. on the Monday next after the expiration of twenty (20) days after the date of service thereof at the office of the District Clerk at 715 S Dumas Ave-Room 109, Dumas, Texas 79029, a copy of which accompanies this citation, in cause number **20-58** styled:

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ALABAMA CARRIERS INC
JOHNNY M FOX**

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The name and address of the attorney of record for above PLAINTIFF, is

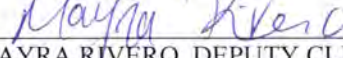
CHRIS HOFMANN, 1008 S. MADISON, AMARILLO, TX 79101.

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ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT AT Dumas, Texas 79029, ON THIS THE 16th day of July, 2020.



**Diane Hoefling, District Clerk
Moore County
715 S Dumas Ave-Room 109
Dumas, Texas 79029**

By: 
MAYRA RIVERO, DEPUTY CLERK



OFFICER/AUTHORIZED PERSON RETURN

CAME to hand on the _____ day of _____, 20____.

EXECUTED by certified mail 7012 3050 0000 4181 2075 to the within named TENNESSEE STEEL HAULERS, INC., BY SERVING: CT CORPORATION SYSTEM, ITS REGISTERED AGENT return receipt requested with restricted delivery, a true copy of this citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION, having first attached such copy of such PLAINTIFF'S ORIGINAL PETITION to such copy of citation, to the following address:

800 S. GAY STREET, SUITE 2021, KNOXVILLE, TN. 37929-9710

Service upon the defendant is evidenced by the return receipt incorporated herein and attached hereto signed by _____ and dated _____.

NOT EXECUTED, for the following reason:

_____.

TO CERTIFY WHICH WITNESS MY OFFICIAL SIGNATURE.

_____ County, Texas

By _____ Deputy

**THE STATE OF TEXAS
COUNTY OF MOORE
CAUSE NO: 20-58
CITATION TO SERVE NON-RESIDENT DEFENDANT
PLAINTIFF'S ORIGINAL PETITION**

**TO: ALABAMA CARRIERS, INC., DEFENDANT
BY SERVING: CT CORPORATION SYSTEM, ITS REGISTERED AGENT
800 S. GAY STREET, SUITE 2021
KNOXVILLE, TN. 37929-9710**

In the hereinafter styled and numbered cause: 20-58

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-VS-
TENNESSEE STEEL HAULERS INC
ALABAMA CARRIERS INC
JOHNNY M FOX**

Filed in said court on the 07/15/2020.

The name and address of the attorney of record for above PLAINTIFF, is

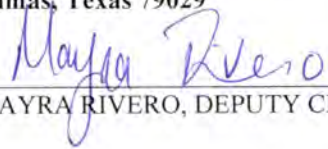
CHRIS HOFMANN, 1008 S. MADISON, AMARILLO, TX 79101.

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**Diane Hoefling, District Clerk
Moore County
715 S Dumas Ave-Room 109
Dumas, Texas 79029**

By: 
MAYRA RIVERO, DEPUTY CLERK

OFFICER/AUTHORIZED PERSON RETURN

CAME to hand on the _____ day of _____, 20____.

EXECUTED by certified mail 7012 3050 0000 4181 2082 to the within named ALABAMA CARRIERS, INC., BY SERVING: CT CORPORATION SYSTEM, ITS REGISTERED AGENT return receipt requested with restricted delivery, a true copy of this citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION, having first attached such copy of such PLAINTIFF'S ORIGINAL PETITION to such copy of citation, to the following address:

800 S. GAY STREET, SUITE 2021, KNOXVILLE, TN. 37929-9710

Service upon the defendant is evidenced by the return receipt incorporated herein and attached hereto signed by _____ and dated _____.

NOT EXECUTED, for the following reason:

_____.

TO CERTIFY WHICH WITNESS MY OFFICIAL SIGNATURE.

_____ County, Texas

By _____ Deputy

THE STATE OF TEXAS
COUNTY OF MOORE
CAUSE NO: 20-58
CITATION TO SERVE NON-RESIDENT DEFENDANT
PLAINTIFF'S ORIGINAL PETITION

TO: JOHNNY M. FOX, DEFENDANT
118 COUNTY ROAD 100
DEATSVILLE, AL. 36022-2739
OR WHEREVER HE MAY BE FOUND

In the hereinafter styled and numbered cause: 20-58

You are hereby commanded to appear before the 69TH DISTRICT COURT of Moore County to be held at the courthouse located at 715 S Dumas Ave in the City of Dumas, Moore County, Texas, by filing a written answer to the petition of PLAINTIFF – on or before 10:00 A.M. on the Monday next after the expiration of twenty (20) days after the date of service thereof at the office of the District Clerk at 715 S Dumas Ave-Room 109, Dumas, Texas 79029, a copy of which accompanies this citation, in cause number **20-58** styled:

PERLA CABALLERO SANCHEZ, NEXT FRIEND TO
RAFAEL CORRAL, A MINOR
-VS-
TENNESSEE STEEL HAULERS, INC.
ALABAMA CARRIERS, INC.
JOHNNY M. FOX

Filed in said court on the 07/15/2020.

The name and address of the attorney of record for above PLAINTIFF, is

CHRIS HOFMANN, 1008 S. MADISON, AMARILLO, TX 79101.

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a Default Judgment may be taken against you."

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Diane Hoeffling, District Clerk
Moore County
715 S Dumas Ave-Room 109
Dumas, Texas 79029

By: 
MAYRA RIVERO, DEPUTY CLERK



3

OFFICER/AUTHORIZED PERSON RETURN

CAME to hand on the _____ day of _____, 20____.

EXECUTED by certified mail 7012 3050 0000 4181 2099 to the within named JOHNNY M. FOX return receipt requested with restricted delivery, a true copy of this citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION, having first attached such copy of such PLAINTIFF'S ORIGINAL PETITION to such copy of citation, to the following address:

118 COUNTY ROAD 100, DEATSVILLE, AL. 36022-2739

Service upon the defendant is evidenced by the return receipt incorporated herein and attached hereto signed by _____ and dated _____.

NOT EXECUTED, for the following reason:

_____.

TO CERTIFY WHICH WITNESS MY OFFICIAL SIGNATURE.

_____ County, Texas

By _____ Deputy

**THE STATE OF TEXAS
COUNTY OF MOORE
CAUSE NO: 20-58
CITATION TO SERVE NON-RESIDENT DEFENDANT
PLAINTIFF'S ORIGINAL PETITION**

**TO: JOHNNY M. FOX, DEFENDANT
118 COUNTY ROAD 100
DEATSVILLE, AL. 36022-2739
OR WHEREVER HE MAY BE FOUND**

In the hereinafter styled and numbered cause: 20-58

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**PERLA CABALLERO SANCHEZ, NEXT FRIEND TO
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-VS-
TENNESSEE STEEL HAULERS, INC.
ALABAMA CARRIERS, INC.
JOHNNY M. FOX**

Filed in said court on the 07/15/2020.

The name and address of the attorney of record for above PLAINTIFF, is

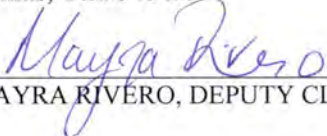
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**Diane Hoefling, District Clerk
Moore County
715 S Dumas Ave-Room 109
Dumas, Texas 79029**

By: 
MAYRA RIVERO, DEPUTY CLERK

COPY TO SERVE

OFFICER/AUTHORIZED PERSON RETURN

CAME to hand on the _____ day of _____, 20____.

EXECUTED by certified mail 7012 3050 0000 4181 2099 to the within named JOHNNY M. FOX return receipt requested with restricted delivery, a true copy of this citation together with the accompanying copy of the PLAINTIFF'S ORIGINAL PETITION, having first attached such copy of such PLAINTIFF'S ORIGINAL PETITION to such copy of citation, to the following address:

118 COUNTY ROAD 100, DEATSVILLE, AL. 36022-2739

Service upon the defendant is evidenced by the return receipt incorporated herein and attached hereto signed by _____ and dated _____.

NOT EXECUTED, for the following reason:

_____.

TO CERTIFY WHICH WITNESS MY OFFICIAL SIGNATURE.

_____ County, Texas

By _____ Deputy

CAUSE NO. 20-58**JURY TRIAL DEMANDED**

| | | |
|---|---|-----------------------------------|
| PERLA CABALLERO – SANCHEZ, Individually and as Next Friend to RAFAEL CORRAL, A Minor, | § | IN THE <u>69TH</u> DISTRICT COURT |
| | § | |
| | § | |
| Plaintiffs, | § | |
| | § | |
| VS. | § | IN AND FOR |
| | § | |
| TENNESSEE STEEL HAULERS, INC., ALABAMA CARRIERS, INC., and JOHNNY M. FOX, | § | |
| | § | |
| | § | |
| Defendants. | § | MOORE COUNTY, TEXAS |

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Perla Caballero-Sanchez, individually and as Next Friend to Rafael Corral, A Minor (hereinafter referred to as "Plaintiffs") complaining of Tennessee Steel Haulers, Inc., Alabama Carriers, Inc., and Johnny Fox (hereinafter referred to as "Defendants") and for cause of action would show:

I. DISCOVERY PLAN

1. Pursuant to TEX. R. CIV. P. 190.1, Plaintiff intends for discovery to be conducted under level 3 and in accordance with the TEX. R. CIV. P. 190.4 Discovery Control Plan.

II. PARTIES

2. Plaintiff, Perla Caballero-Sanchez, is an individual who resides in Dumas, Moore County, Texas. For identification purposes the last three digits of her driver's license are 574 and the last three digits of her social security number are 259.

3. Plaintiff, Rafael Corral, is a minor who resides in Dumas, Texas. For identification purposes his date of birth is 07/25/1980.

4. Defendant, Tennessee Steel Haulers, Inc., is a domestic corporation duly licensed to do business in the state of Texas and may be served with process by serving its registered agent, CT Corporation System, 800 S. Gay Street, Suite 2021, Knoxville, Tennessee, 37929-9710.

5. Plaintiffs specifically invoke the right to institute this suit against whatever entity was conducting business using the assumed or common name of Tennessee Steel Haulers, Inc. with regard to the events described in this petition. Plaintiffs expressly invoke this right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of the party substituted at a later time upon the motion of any party or the Court.

6. Defendant, Alabama Carriers, Inc. is a domestic corporation duly licensed to do business in the state of Texas and may be served with process by serving its registered agent, CT Corporation System, 800 S. Gay Street, Suite 2021, Knoxville, Tennessee, 37929-9710.

7. Plaintiffs specifically invoke the right to institute this suit against whatever entity was conducting business using the assumed or common name of Tennessee Steel Haulers, Inc. with regard to the events described in this petition. Plaintiffs expressly invoke this right under Rule 28 of the Texas Rules of Civil Procedure to have the true name of the party substituted at a later time upon the motion of any party or the Court.

8. Defendant, Johnny M. Fox is an individual, nonresident of Texas whose usual abode is located at Deatsville, Elmore County, Alabama and who may be served with citation at his place of residence, 118 County Road 100, Deatsville, Alabama,

36022-2739, or wherever he may be found.

III. MINSOMER/ALTER EGO

9. In the event any parties are misnamed or are not included herein, it is Plaintiffs contention that such was a “misidentification”, “misnomer” and/or such parties are/were “alter egos” of parties named herein. Alternatively, Plaintiffs contend that such “corporate veils” should be pierced to hold such parties properly included in the interest of justice.

IV. JURISDICTION

10. The court has jurisdiction over Defendants, Tennessee Steels Haulers, Inc., and Alabama Carriers, Inc., because defendants do business in Texas, have committed a tort, in whole or in part, in Texas, have continuing contacts with Texas, and are amenable to service by a Texas court.

11. The court has jurisdiction over Defendant, Johnny Fox, a nonresident, because Defendant was involved in a collision while operating a motor vehicle in Texas, as more fully described below.

12. The court has jurisdiction over the controversy because the amount for which Plaintiff herein sues is within the jurisdictional limits of the court.

V. VENUE

13. Venue of this action is proper in Moore County, Texas, where the incident made the basis of this lawsuit occurred. CIV. PRAC. & REM. CODE §15.002(a)(1).

VI. FACTS

14. This is an action for money damages arising from an automobile collision between Plaintiffs and Defendants occurring on or about September 25, 2018, in which

Plaintiffs suffered injuries and damages as more fully described below. More specifically, Plaintiffs would show that at approximately 8:00 a.m. Plaintiff, Perla Caballero-Sanchez, was operating her vehicle and heading westbound on E. 5th Street in Dumas, Moore County, Texas. Defendant, Johnny Fox, was traveling southbound on S. Maddox Avenue. At the intersection of E 5th Street and S. Maddox Avenue, Defendant Fox disregarded a stop signal and collided with Plaintiff's vehicle. Defendant's negligence caused Plaintiffs' injuries and damages made the subject of this suit.

VI. NEGLIGENCE AND NEGLIGENCE PER SE

A. Johnny Fox

15. Plaintiffs would show that the collision described above, and their resulting injuries and damages were the direct and proximate result of Defendant's negligence. Specifically, Plaintiffs would show that Defendant, Johnny Fox, was negligent and negligent per se in one or more of the following respects, to wit:

- a) Violation Texas Transportation Code § 545.151 by failing to stop, yield, and grant immediate use of the intersection in obedience to an official traffic-control device or sign. And proceeding when the intersection can be safely entered without interference or collision with traffic using a different street or roadway;
- b) Violation Texas Transportation Code § 545.153 by failing to yield right-of-way to a vehicle that has entered the intersection from another highway or that is approaching so closely as to be an immediate hazard to the operator's movement in or across the intersection;

- c) By failing to use due care;
- d) By failing to pay proper attention to the roadway;
- e) In failing to keep a proper look-out; and
- f) In failing to take evasive action necessary to avoid the collision.

16. Each of the foregoing acts and omissions, whether taken singularly or in any combination, was a proximate cause of the collision made the basis of this suit and Plaintiffs' resulting injuries and damages.

B. Alabama Carriers, Inc.

17. At all times relevant to this matter, Defendant Johnny Fox was in the course and scope of his employment with Defendant Alabama Carriers, Inc. Therefore, Plaintiffs would show that Defendant Alabama Carriers, Inc. was negligent and negligent per se in one or more of the following respects, to wit:

- a) Negligently entrusting one of its vehicles to an incompetent driver;
- b) By failing to properly train individuals who had access to its vehicles;
- c) By failing to provide and/or enforce driving safety policies to individuals to whom it entrusted its vehicles; and
- d) By failing to exercise reasonable supervision of drivers to whom it entrusted its vehicles.

18. The negligence of Defendant Johnny Fox is attributable to Defendant Alabama Carriers, Inc. as the agent and employer of the driver. Plaintiffs specifically invoke the doctrine of *respondeat superior* with respect to the acts and/or omissions of Defendant Johnny Fox, which were performed within the course and scope of his duties with Defendant Alabama Carriers, Inc.

B. Tennessee Steel Haulers, Inc.

19. Defendant Tennessee Steel Haulers, Inc. is the parent company of Alabama Carriers, Inc. (the owner of the load being hauled by Defendant Johnny Fox and Mr. Fox's employer at the time of the accident made the basis of this suit). Therefore, Plaintiff would show that Defendant Tennessee Steel Haulers, Inc. was negligent and negligent per se in one or more of the following respects, to wit:

- a) Negligently entrusting one of its vehicles to an incompetent driver;
- b) By failing to properly train individuals who had access to its vehicles;
- c) By failing to provide and/or enforce driving safety policies to individuals to whom it entrusted its vehicles; and
- d) By failing to exercise reasonable supervision of drivers to whom it entrusted its vehicles.

20. The negligence of Defendant Johnny Fox is attributable to Defendant Tennessee Steel Haulers, Inc. as the agent and employer of the driver. Plaintiffs specifically invoke the doctrine of *respondeat superior* with respect to the acts and/or omissions of Defendant Johnny Fox, which were performed within the course and scope of his duties with Defendant Tennessee Steel Haulers, Inc.

VII. DAMAGES

A. Perla Caballero-Sanchez

21. As a direct and proximate result of Defendant's negligence, Plaintiff, Perla Caballero-Sanchez, suffered serious physical injuries at minimum to her head, neck, back, bilateral arms and hands.

Plaintiff sues Defendant for the following damages:

- a) physical pain and mental anguish in the past and future;
- b) physical impairment in the past and, in reasonable probability, will be sustained in the future;
- c) disfigurement sustained in the past and, in reasonable probability, will be sustained in the future;
- d) loss of earning capacity in the past and, in reasonable probability, will be sustained in the future; and
- e) reasonable and necessary medical expenses incurred in the past and in the future for the treatment of her injuries.

B. Rafael Corral

22. As a direct and proximate result of Defendant's negligence, Plaintiff, Rafael Corral, suffered serious physical injuries at minimum to his head, neck, back, bilateral shoulders, abdomen, hip, right knee, and bilateral feet. Perla Caballero-Sanchez, as Next Friend to Rafael Corral sues Defendants for the following damages:

- a) physical pain and mental anguish in the past and future;
- b) physical impairment in the past and future;
- c) loss of earning capacity in the past and future; and
- d) Reasonable and necessary medical expenses in the future for treatment of Rafael Corral's injuries.

23. Plaintiff, Perla Caballero-Sanchez, Individually, sues Defendants for the following damages:

- a) Reasonable and necessary medical expenses incurred by her in the past

for the treatment of Rafael Corral's injuries, and in the future for the treatment of Rafael Corral's injuries until he reaches the age of eighteen.

VIII. RULE 47 CLAIM FOR RELIEF

24. In accordance Rule 47(c) of the Texas Rules of Civil Procedure, Plaintiff, Perla Caballero-Sanchez states that she seeks only monetary relief of more than \$200,000.00 and less than \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees.

IX. JURY DEMAND

25. Plaintiffs hereby demand a trial by jury.

X. PRAYER

25. WHEREFORE, PREMISES CONSIDERED, Plaintiffs pray that Defendants be cited to appear and answer herein and that upon final jury hearing hereof they have:

- a) Jury verdict against the Defendants for the full amount of Plaintiffs' damages, and thereafter judgment on the jury verdict;
- b) Pre-judgment and post-judgment interest as provided by law;
- c) Costs of suit; and
- d) Such other and further relief, special or general, at law or in equity, to which Plaintiffs may show themselves justly entitled.

XI. DISCOVERY REQUESTS

26. Pursuant to TEX. R. OF CIV. P. 194, Plaintiffs request Defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2. The statutory requests for disclosure to Defendants as enumerated by TEX.

R. OF CIV. P 194.2(a) through (l), inclusive, are hereby incorporated as if fully set forth herein.

Respectfully submitted,

HOFFMAN, SHEFFIELD, SAUSEDA & HOFFMAN, PLLC
1008 S. Madison
Amarillo, Texas 79101
Telephone: (806) 376-8903
Fax: (806) 376-5345

/s/ Chris Hoffman

Chris Hoffman
State Bar No. 24002299
choffman@hsshlaw.com

J. E. Sauseda
State Bar No. 17688200
jesauseda@hsshlaw.com

Attorneys for Plaintiffs



DIANE HOEFFLING
Moore County District Clerk
715 Dumas Ave., Room 109
Dumas, TX 79029



7012 3050 0000 4181 2099



FILED
DIANE HOEFFLING
DISTRICT CLERK

2020 AUG 28 AM 11:20

MOORE COUNTY, TEXAS

JOHNNY M. FOX
140 COUNTY ROAD 100

NIXIE

352 DE L

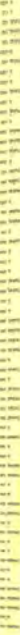
RETURN TO SENDER
UNCLAIMED
UNABLE TO FORWARD

UNC

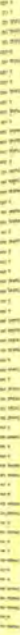
7-20-20
7/25
8/5

BC: 79029436734

*0993-03976-16-43



79029436734



79029436734

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT

SENDER: COMPLETE THIS SECTION

- ☐ Complete items 1, 2, and 3.
- ☐ Print your name and address on the reverse so that we can return the card to you.
- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

JOHNNY M. FOX
118 COUNTY ROAD 100
DEATSVILLE, AL. 36022-2739



9590 9402 5287 9154 3666 04

2. Article Number (Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature ☐ Agent
X ☐ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type

- ☐ Adult Signature
- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
- ☐ Collect on Delivery
- ☐ Collect on Delivery Restricted Delivery
- ☐ Insured Mail
- ☐ Insured Mail Restricted Delivery (over \$500)
- ☐ Priority Mail Express®
- ☐ Registered Mail™
- ☐ Registered Mail Restricted Delivery
- ☒ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

PS Form 3811, July 2015 PSN 7530-02-000-91

7012 3050 0000 4181 2099

USPS TRACKING#



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 5287 9154 3674 72

United States
Postal Service

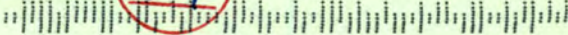
• Sender: Please print your name, address, and ZIP+4® in this box*
20-58

FILED
DIANE HOEFLING
DISTRICT CLERK

DIANE HOEFLING
MOORE COUNTY DISTRICT CLERK
715 S. DUMAS AVE., RM 109
DUMAS, TEXAS 79029

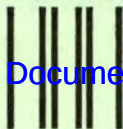
2020 AUG 24 PM 2:30
MOORE COUNTY, TEXAS

Elisa Zapata
DEPUTY



| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY | | |
|--|---|--|---|
| <p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>TENNESSEE STEEL HAULERS INC ATTN: RAY BARBARITE 2607 BRICK CHURCH PIKE NASHVILLE, TN. 37207-4409</p> <div style="text-align: center; margin-top: 10px;">  9590 9402 5287 9154 3674 72 </div> | <p>A. Signature</p> <p>X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>C-19</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> | | |
| <p>2. Article Number (Transfer from service label)</p> <p>7012 3050 0000 4181 2440</p> | <p>3. Service Type</p> <table style="width: 100%; border: none;"> <tr> <td style="vertical-align: top;"> <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery </td> <td style="vertical-align: top;"> <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery </td> </tr> </table> <p style="font-size: small; margin-top: 5px;">Mail Mail Restricted Delivery (00)</p> | <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery | <input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery | | |

USPS TRACKING # E



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

9590 9402 5287 9154 3674 65

United States
Postal Service

• Sender: Please print your name, address, and ZIP+4® in this box•

20-58

FILED
DIANE HOEFLING
DISTRICT CLERK

DIANE HOEFLING

MOORE COUNTY DISTRICT CLERK

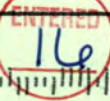
715 S. DUMAS AVE., RM 109

DUMAS, TEXAS 79029

2020 AUG 24 PM 12:30

MOORE COUNTY, TEXAS

BY *Elena Zapata*
DEPUTY



9-436734



| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|---|--|---|--|
| <p>■ Complete items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> | | <p>A. Signature</p> <p>X <u>RL</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> | |
| <p>1. Article Addressed to:</p> <p>ALABAMA CARRIERS INC ATTN: RAY BARBARITE 2607 BRICK CHURCH PIKE NASHVILLE, TN. 37207-4409</p> | | <p>B. Received by (Printed Name)</p> <p><u>L-19</u></p> <p>C. Date of Delivery</p> | |
| <p>2. Article Number (Transfer from service label)</p> <p>7012 3050 0000 4181 2433</p> | | <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> | |
| <p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery</p> | | <p><input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery</p> | |
| <p>PS Form 3811, July 2015 PSN 7530-02-000-9053</p> | | <p>Domestic Return Receipt</p> | |

EXHIBIT B

ALERT: STAY UPDATED ON POST OFFICE CLOSURES AND SERVICE DISRUPTIONS DUE TO SEVERE WEATHER IN THE GULF COAST AND WEST COAST WILDFIRE AREAS. [READ MORE](https://about.usps.com/newsroom/service-alerts/) (HTTPS://ABOUT.USPS.COM/NEWSROOM/SERVICE-ALERTS/)

USPS Tracking®

[FAQs >](#)

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Anytime, Anywhere**

Get the free Informed Delivery® feature to receive automated notifications on your packages

Learn More

(<https://reg.usps.com>

[/xsell?app=UspTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action](https://tools.usps.com/go/track?app=UspTools&ref=homepageBanner&appURL=https%3A%2F%2Finformeddelivery.usps.com/box/pages/intro/start.action))

Tracking Number: 70123050000041812433

Remove X

Your item was delivered to the front desk, reception area, or mail room at 10:07 am on August 17, 2020 in NASHVILLE, TN 37207.

 **Delivered**

August 17, 2020 at 10:07 am
Delivered, Front Desk/Reception/Mail Room
NASHVILLE, TN 37207

Get Updates ▼

Feedback

Text & Email Updates

Tracking History

Product Information**See Less** **Tracking Number:** 70123050000041812440**Feedback**
Remove

Your item was delivered to the front desk, reception area, or mail room at 10:07 am on August 17, 2020 in NASHVILLE, TN 37207.

Delivered

August 17, 2020 at 10:07 am
Delivered, Front Desk/Reception/Mail Room
NASHVILLE, TN 37207

Get Updates **See More**

Ex. B, P. 002

Case 2:20-cv-00212-Z Document 1 Filed 09/16/20 Page 54 of 54 PageID 54

Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

FAQs

Feedback